



PATENT  
03824-P0040A GSW/DC

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|                       |                               |
|-----------------------|-------------------------------|
| Applicant             | David C. Issler               |
| Serial No. 10/057,503 | Filing Date: January 25, 2002 |
| Title of Application: | Footbed Plug                  |
| Confirmation No. 4327 | Art Unit: 3728                |
| Examiner              | Anthony D. Stashick           |

Mail Stop Amendment  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

**Declaration of Inventors of Prior Invention under 37 C.F.R. § 1.131**

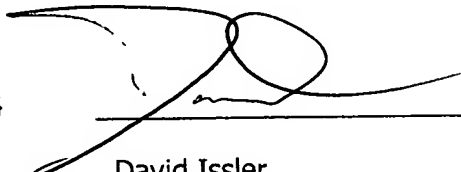
I, David Issler, declare as follows:

1. I conceived a footbed plug that employs a plug placed in an opening in an outsole at least as early as December 10, 2001, as shown by the attached dated invention disclosure.
2. The invention was constructively reduced to practice at least as early as December 7, 2001, as shown by the attached copy of a letter stating prototypes of the invention were being sent.
3. All statements in this Declaration made of my own knowledge are true and all statements made on information and belief are believed to be true.
4. I understand that willful false statements and the like are punishable by fine or imprisonment or both and may jeopardize the validity of the application or any patents issuing thereon.

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Serial No. 10/057,503  
Declaration of Inventors

I hereby declare, under penalty of perjury under the laws of the United States of America, that the foregoing statements are true and correct.

Dated: November 30, 2004

  
\_\_\_\_\_  
David Issler

Fred A. Steinlauf  
479 Fairfield Rd. E. Windsor, NJ. 08520

December 10, 2001

Fish & Richardson P.C.  
225 Franklin Street  
Boston, MA. 02110-2804  
Attn. Mr. Frank Occhiuti, Esq.

DEC 12 2001

Re: New Patent Application: Softspot Construction

FRANK R. OCCHIUTI

Dear Frank:

Above mentioned construction was invented by David Issler and is to be assigned to Columbia Insurance Co. Mr. Issler is a U.S. Citizen. You have all his personal data from previous applications.

Softspot Construction:

It has been found that, during normal ambulation the human being will step on the heel of the foot first. Hence the need for a shoe with the soft spot, located in the area of first impact.

You will receive from Lowell Shoe Corp. in Hudson, NH, probably sent by Marc Faubel, four embodiments of the same invention, as well as component parts for each, showing partially finished shoes.

Two of the embodiments showing closed toe and closed back Opankas. The third is an open back Opanka slide or step-in named "Margarita". (The name is taped on the inside of the shoe) and the fourth embodiment represents a Cement lasted Pump with a hollow heel in the sole. In this embodiment the upper is lasted over an Insole with a hole in the heel area and the heelplug of the footbed is inserted through said hole in the insole into the heel part of the outsole, which is hollowed.

In the first two embodiments the upper is cemented to the upstanding wall of the outsole and then hand-sewn to the unit bottom.

Next, the footbed is prepared on the walking surface with 'Dryz' (a patented hydrophylic foam) and a leather cover. Thereafter, the footbed is inserted into the shoe, a last is forced into the cavity and pressed, which forces the plug of the footbed into the orifice in the heel of the sole.

Fred A. Steinlauf  
479 Fairfield Rd. E. Windsor, NJ. 08520

Fish & Richardson P.C.

Re: New Patent Application: Softspot Construction

Date: December 7, 2001

Page 2.

Note: The bottom walking surface or plug of the footbed will not reach the floor, being about 1.5 mm raised.

The surface of the footbed is anatomically shaped and requires a last with a bottom showing the negative of the footbed. Notice that plug of the footbed, which protrudes through the sole, is shaped like the cork of a champagne bottle and must be forced into the orifice, thus preventing water to enter through the opening. In the third embodiment (Margarita) the footbed is covered on the walking side with a soft foam, which is cemented in, followed by a leather cover, which is cemented over the side, thus forming a cushion. In order to achieve this effect the footbed has an indentation on the upper periphery to allow room for the leather cover. On the fourth embodiment the upper is cement lasted over an insole with an orifice in the heel area. The shoe is conventionally finished, excepting that the outsole has a hollowed heel ready to receive an insert, i.e. footbed. Said footbed again may be prepared with Dryz or other foam cover and leather.

Outsoles are molded P.U. (Polyurethane)  
Footbeds are Low Durometer P.U. molded.

This invention has been shown at the shoe show in New York beginning of December of 2001.

If you have any questions re above please contact me. It is important that this application be given priority and be filed a.s.a.p.

Sincerely

  
Fred

cc Mr. David Issler Ms. Donna Barron

December 7, 2001

# LOWELL®

Lowell Shoe, Inc. • 8 Hampshire Drive • Hudson, NH 03051 • Tel: 603-880-8900 • Fax: 603-886-8156

Fish & Richardson P. C.  
225 Franklin Street  
Boston, MA 02110-2804  
Attn: Frank R. Occhiuti ESQ

softspot samples  
10294-607001

December 7, 2001

Dear Mr. Occhiuti

In the following boxes are the Softspots samples that Fred Steinlauf was talking to you about. If there are any questions, you can direct them to Fred.

Best regards,

Marc Faubel  
Product Development Manager  
Ext. 387

DEC 10 2001

FRANK R. OCCHIUTI

softspots

SUPREMES

NURSE♥MATES

SOLOS

## FISH &amp; RICHARDSON

To: List Below

Date Originated 12/11/01

From: FROcchiuti

Re: Conflict Memo (#74118)

Client : H.H. Brown/Domestic

Matter : Footbed Plug

Work Type : Patent Prosecution

Related Entities : Carolina Shoes  
Lowell Shoe  
Cove Shoe

Subject Matter : Footwear including a footbed having a plug member that extends through the heel to provide increased comfort.

## Attorney List

|               |                |              |               |                 |
|---------------|----------------|--------------|---------------|-----------------|
| ADSmith       | AFBodendorf    | AJBokal      | AJHadjis      | ALBrosius       |
| ALFletcher    | ALHornilla     | ALKite       | ALMeiklejohn  | ANCathcartchapl |
| ANParfomak    | ARKopsidas     | ASortega     | ATD'amico     | ATMoosey        |
| AWTorrance    | AXPatel        | AZMassari    | BDDriscoll    | BGJaynes        |
| BJColandreo   | BLBinder       | BLPerry      | BRNester      | BTRacilla       |
| BVBenoit      | BXAi           | BXDorini     | CCBowley      | CCWinchester    |
| CEJohnson     | CHLeber        | CJBoudreau   | CPBellon      | CHieken         |
| CQCotropia    | CQSanders      | CRCCompton   | CRSmith       | CSMarchese      |
| CTMizumoto    | CXCenturelli   | CZHanson     | CZPeterson    | CZSperry        |
| DCKordich     | DGMaloney      | DJGoren      | DJMiclean     | DJSepanik       |
| DLFeigenbaum  | DLGardner      | DMCollazo    | DPWhelan      | DRBrillati      |
| DRFrancescani | DSCoolidge     | DSShuman     | DXGrinshpun   | DXKay           |
| DXSerota      | DYSimons       | DZBarkan     | DZDiBerardino | EABerger        |
| EGHeilbrunn   | ELPrah         | ENKaytor     | ESKim         | EYWang          |
| FALichauco    | FEScherkenbach | FHRabin      | FPPorcelli    | FROcchiuti      |
| FXMollborn    | GAMadera       | GEHeibel     | GHGardella    | GHHennessey     |
| GHSavitt      | GLFox          | GPEinhorn    | GRLee         | GSHarper        |
| GXCunningham  | GXMCallister   | GXWalters    | HEHarvey      | HGPollack       |
| HHFox         | HRTroesch      | HSGwin       | HZMorin       | JADragseth      |
| JAHuffman     | JBDeal         | JBPegram     | JCAdkisson    | JCPhillips      |
| JCRodgers     | JDHsi          | JDKelly      | JDLeviton     | JEGartman       |
| JEMrose       | JESinger       | JFConroy     | JFHayden      | JFKey           |
| JJGagel       | JKKendrick     | JKFraser     | JLFrance      | JLStevenson     |
| JMLussier     | JMSkenyon      | JNWilliams   | JPCaver       | JPFasse         |
| JPSchnurer    | JQBrennan      | JRRohlicek   | JRSoderberg   | JTHagler        |
| JTMeli        | JVColaianni    | JVPicone     | JVSciandra    | JWBabineau      |
| JWFreeman     | JWSchultz      | JWThornburgh | JXBarclay     | JXChoi          |
| JXFin         | JXHorvath      | JXSlobodin   | JXZelmanovitz | JYMizhir        |
| JZBrooks      | JZLentz        | JZMcDonald   | KBGeahigan    | KCHunsaker      |
| KDHine        | KDMacFerlin    | KDPrescott   | KFHorvath     | KFKozik         |

|                |                |              |                |                |
|----------------|----------------|--------------|----------------|----------------|
| KHartwell-Beal | KIBoyd         | KJMcNeely    | KKLargey       | KLGlitzenstein |
| KMMcGuirk      | KMVivian       | KRPitts      | KSJenckes      | KXBarritt      |
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| LITrivos       | LKKolodney     | LLCrews      | LLKordziel     | LNGeller       |
| LSButler       | LZBuchanan     | MAParsons    | MBJohnson      | MBLoftus       |
| MCKnell        | MDAnderson     | MDKirkland   | MDMosley-Goren | MEErickson     |
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| MLGannon       | MMGraham       | MMMassicotte | MMTowns        | MPReed         |
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| NYGoldstein    | OXLiivak       | PAlevy       | PAPysher       | PJDevlin       |
| PJKirk         | PKKristal      | PLMyers      | PZCoggins      | QHxu           |
| RAHagan        | RAMittelberger | RASmolinsky  | RBCordell      | RCLundquist    |
| RCNabinger     | RDtegtmeyer    | REhillman    | RGGreen        | RIHuang        |
| RJAnderson     | RJSuyat        | RJUngar      | RJZayed        | RKTabtiang     |
| RPFerrara      | RSBorovoy      | RVRacunas    | RWWinston      | RKSilverman    |
| SALeMay        | SCHarris       | SCLee        | SEEmrich       | SFHeneghan     |
| SHStodghill    | SJFilipek      | SJGrossman   | SKWessels      | SMSproul       |
| SNZaslavsky    | SRBaird        | SRKatz       | SRSchaefer     | SWFlanders     |
| SXBorodach     | SXDaley        | SXMacphail   | SXVyas         | SYBoalick      |
| SYShirodkar    | SZBlock        | TABirnie     | TAPorter       | TARozylowicz   |
| TDFraizer      | TEGarcia       | TGMahn       | THPham         | TLHalkowski    |
| TMJohnston     | TSEngin        | TXMelsheimer | TXNguyen       | TXWalsh        |
| TZMiller       | VCJohnson      | VWWilliams   | WDHare         | WEBooth        |
| WEHunter       | WEWillenberg   | WGHaser      | WJEgan         | WJHone         |
| WJMarsden      | WKRenner       | WWGarden     | WXRao          | YNLuo          |
| YRTsao         |                |              |                |                |